

ASSEMBLY BILL

No. 645

Introduced by Assembly Member Feuer

February 21, 2007

An act to amend Sections 41501 and 42005 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 645, as introduced, Feuer. Vehicles: traffic violations: adjudication.

(1) Existing law authorizes a court to order a person issued a notice to appear for a traffic violation to attend a traffic violator school licensed under certain provisions of the Vehicle Code, in lieu of adjudicating the traffic offense, and with the consent of the defendant, or after conviction of a traffic offense. A court may order a continuance against a person who receives a notice to appear in court for a violation of a statute relating to the safe operation of a vehicle, in consideration for attendance at a licensed school for traffic violators, a licensed driving school, or any other court-approved program of driving instruction. After that attendance, the court may dismiss the complaint.

This bill would make these provisions inapplicable to a person when the traffic offense is a hit and run violation or a driving-under-the-influence violation.

Because this bill would impose increased duties on local criminal justice systems, the bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 41501 of the Vehicle Code is amended
2 to read:

3 41501. (a) The court may order a continuance of a proceeding
4 against a person, who receives a notice to appear in court for a
5 violation of ~~any~~ a statute relating to the safe operation of a vehicle,
6 in consideration for attendance at a licensed school for traffic
7 violators, a licensed driving school, or any other court-approved
8 program of driving instruction, and, after that attendance and
9 pursuant to Section 1803.5 or 42005, the court may dismiss the
10 complaint under the following conditions:

11 (1) If the offense is alleged to have been committed within 12
12 months of another offense that was dismissed under this section,
13 the court may order the continuance and, after the attendance,
14 dismiss the complaint. The court may order attendance at a licensed
15 school for traffic violators that offers a program of at least 12 hours
16 of instruction.

17 (2) If the offense is not alleged to have occurred within 18
18 months of another offense that was dismissed under this section,
19 the court may order the continuance and, after the attendance,
20 dismiss the complaint if the attendance is at any of the types of
21 schools or programs that the court directed pursuant to Section
22 42005 at the time of ordering the continuance.

23 (b) ~~This section shall become operative on September 20, 2005~~
24 *Subdivision (a) does not apply to a person who receives a notice*
25 *to appear or is otherwise charged with a violation of Section*
26 *20001, 20002, 23140, 23152, or 23153, or of Section 23103, as*
27 *specified in Section 23103.5.*

28 SEC. 2. Section 42005 of the Vehicle Code is amended to read:

29 42005. (a) The court may order or permit a person convicted
30 of a traffic violation to attend a traffic violator school licensed
31 pursuant to Chapter 1.5 (commencing with Section 11200) of
32 Division 5.

1 (b) In lieu of adjudicating a traffic offense committed by a
2 person who holds a noncommercial class C, class M1, or class M2
3 driver's license, and with the consent of the defendant, the court
4 may order the person to attend a licensed traffic violator school,
5 a licensed driving school, or any other court-approved program or
6 driving instruction.

7 (c) Pursuant to Title 49 of the Code of Federal Regulations, the
8 court may not order or permit a person who holds a class A, class
9 B, or commercial class C driver's license to complete a licensed
10 traffic violator school, a licensed driving school, or any other
11 court-approved program of driving instruction in lieu of
12 adjudicating any traffic offense committed by the holder of a class
13 A, class B, or commercial class C driver's license.

14 (d) The court may not order or permit a person, regardless of
15 the driver's license class, to complete a licensed traffic violator
16 school, a licensed driving school, or any other court-approved
17 program of driving instruction in lieu of adjudicating an offense
18 if that offense ~~had occurred in~~ *is either of the following:*

19 (1) *Occurred in* a commercial motor vehicle, as defined in
20 subdivision (b) of Section 15210.

21 (2) *Is a violation of Section 20001, 20002, 23140, 23152, or*
22 *23153, or of Section 23103, as specified in Section 23103.5.*

23 (e) Except as otherwise provided in subdivision (f), a person so
24 ordered may choose the traffic violator school the person will
25 attend. The court shall make available to each person subject to
26 that order the current list of traffic violator schools published by
27 the department pursuant to Section 11205.

28 (f) In those counties where, prior to January 1, 1985, one or
29 more individual courts, or the county acting on behalf of one or
30 more individual courts, contracted for the provision of traffic safety
31 instructional services to traffic violators referred by the court
32 pursuant to a pretrial diversion program, the courts may restrict
33 referrals under this section to those schools for traffic violators or
34 licensed driving schools that are under contract with the court or
35 with the county to provide traffic safety instructional services for
36 persons referred pursuant to subdivision (a).

37 (g) A county described in Section 28023 of the Government
38 Code may continue to provide the program authorized by this
39 section in accordance with the provisions of current and future
40 contracts as may be amended and approved by the individual courts

1 within that county and the county shall be exempt from state
2 regulations relative to maximum classroom attendance.

3 (h) Notwithstanding subdivisions (f) and (g), a court in the
4 counties described in those subdivisions shall comply with the
5 prohibitions set forth in subdivisions (c) and (d).

6 (i) A person who willfully fails to comply with a court order to
7 attend traffic violator school is guilty of a misdemeanor.

8 ~~(j) This section shall become operative on September 20, 2005.~~

9 SEC. 3. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.